

EXHIBIT

V

DEPOSITION OF DAVID SIKES

January 24, 2006

Pages 1 through 66

**CONDENSED TRANSCRIPT AND CONCORDANCE
PREPARED BY:**

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1 IN THE UNITED STATES DISTRICT COURT
 2 FOR THE MIDDLE DISTRICT OF ALABAMA
 3 NORTHERN DIVISION

4
 5 MELVIN LOWE,
 6 Plaintiff/Petitioner,
 7 Vs. CIVIL ACTION NO.
 8 2:05-CV-0495
 9 MONTGOMERY COUNTY BOARD
 10 OF EDUCATION,
 11 Defendant/Respondent.

12 * * * * *

13
 14 DEPOSITION OF DAVID SIKES, taken pursuant
 15 to stipulation and agreement before Patricia G.
 16 Starkie, Registered Diplomate Reporter, CRR, and
 17 Commissioner for the State of Alabama at Large, in
 18 the Law Offices of Hill, Hill, Carter, Franco, Cole
 19 & Black, 425 South Perry Street, Montgomery,
 20 Alabama, on Tuesday, January 24, 2006, commencing
 21 at approximately 9:10 a.m.

22 * * * * *

1 STIPULATION

2 It is hereby stipulated and agreed by and
 3 between counsel representing the parties that the
 4 deposition of:

5 DAVID SIKES

6 is taken pursuant to the Federal Rules of Civil
 7 Procedure and that said deposition may be taken
 8 before Patricia G. Starkie, Registered Diplomate
 9 Reporter, CRR, and Commissioner for the State of
 10 Alabama at Large, without the formality of a
 11 commission;

12 That objections to questions other than
 13 objections as to the form of the question need not
 14 be made at this time but may be reserved for a
 15 ruling at such time as the said deposition may be
 16 offered in evidence or used for any other purpose
 17 by either party provided for by the Statute.

18 It is further stipulated and agreed by and
 19 between counsel representing the parties in this
 20 case that the filing of said deposition is hereby
 21 waived and may be introduced at the trial of this
 22 case or used in any other manner by either party
 23 hereto provided for by the Statute regardless of

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1 APPEARANCES

2 FOR THE PLAINTIFF:
 3 William F. Patty, Esq.
 4 Tanya E. Dugas, Esq.
 5 BEERS, ANDERSON, JACKSON
 6 PATTY & VAN HEEST
 7 Attorneys at Law
 8 250 Commerce Street
 9 Montgomery, Alabama

10 FOR THE DEFENDANT:

11 Elizabeth B. Carter, Esq.
 12 HILL, HILL, CARTER, FRANCO
 13 COLE & BLACK
 14 Attorneys at Law
 15 425 South Perry Street
 16 Montgomery, Alabama
 17 ALSO PRESENT:
 18 Mr. Melvin Lowe
 19 Mr. Jimmy Barker

20 * * * * *

21 EXAMINATION INDEX

22 DAVID SIKES

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 BY MS. DUGAS 54
 (No exhibits were marked to this deposition)

1 the waiving of the filing of the same.

2 It is further stipulated and agreed by and
 3 between the parties hereto and the witness that the
 4 signature of the witness to this deposition is
 5 hereby waived.

6 * * * * *

7 DAVID SIKES

8 The witness, after having first been duly
 9 sworn to speak the truth, the whole truth and
 10 nothing but the truth testified as follows:

11 EXAMINATION

12 BY MS. DUGAS:

13 Q. Could you state your name for the record,
 14 please.

15 A. David Sikes.

16 Q. Mr. Sikes, I'm Tanya Dugas, and I'm here
 17 representing Melvin Lowe.

18 Could you give us your address, please.

19 A. You need my home address --

20 Q. Yes, sir, home.

21 A. -- or work address?

22 1172 Stafford Drive.

23 Q. Is that here in Montgomery?

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1 A. Yes, ma'am.
 2 Q. And what's your --
 3 A. 36117.
 4 Q. And what is your date of birth?
 5 A. 1/5/63.
 6 Q. And your social security number?
 7 A. 420-06-2764.
 8 Q. Are you married, Mr. Sikes?
 9 A. No, ma'am.
 10 Q. Do you have any children?
 11 A. Yes, ma'am, three.
 12 Q. Three?
 13 A. Three.
 14 Q. Are any of them over the age of 19?
 15 A. No, ma'am.
 16 Q. Could you tell us a little about your
 17 educational background, please.
 18 A. Yes, ma'am. Would you -- want me to start
 19 with college?
 20 Q. College, yes, sir.
 21 A. I have a degree in business administration
 22 from Samford University. I have a master's
 23 degree in counseling from Jacksonville

1 a witness for something that didn't happen
 2 at school, but I just happened to be across
 3 the road from it.
 4 Q. Have you ever been sued?
 5 A. Individually or --
 6 Q. Either.
 7 A. Yes, ma'am. As an administrator, I have
 8 been, yes, ma'am.
 9 Q. How many times have you been sued?
 10 A. Once.
 11 Q. And what was the -- what did the lawsuit
 12 entail?
 13 A. I let the Gideons -- it was raining and --
 14 Have you ever seen the Gideons? They're
 15 like 105 years old. I let them come up on
 16 the porch out of the rain, and so I was
 17 sued for that purpose.
 18 Q. Have you ever sued anyone?
 19 A. No, ma'am.
 20 Q. Did you ever serve in the military?
 21 A. No, ma'am.
 22 Q. Have you ever been arrested?
 23 A. No, ma'am.

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1 State University. I have a master's degree
 2 in physical education from Jacksonville
 3 State. I have certification from Alabama
 4 State in administration.
 5 Q. Okay. Do you have a teaching certificate?
 6 A. Yes, ma'am. I'm certified in PE,
 7 counseling, administration, and some social
 8 science.
 9 Q. And have you ever given deposition
 10 testimony before?
 11 A. Yes, ma'am.
 12 Q. And in what capacity? Was this
 13 professional or personal?
 14 A. Professional.
 15 Q. How many times have you given deposition
 16 testimony?
 17 A. Less than five. I don't -- I don't really
 18 know for sure.
 19 Q. And what was the context of the depositions?
 20 A. I think two of them were discipline matters
 21 at school concerning students, and two of
 22 them were discipline matters concerning
 23 teachers. The other one I was called in as

1 Q. And do you have any relatives in south
 2 central Alabama?
 3 A. Yes, ma'am. How many?
 4 Q. Is it extensive?
 5 A. Oh, yeah.
 6 Q. What would be the last names?
 7 A. Sikes, Bowden, Stringer, Sexton, Faulk,
 8 Fuller. Is that enough? Heartsill. I've
 9 got several -- a bunch of Heartsills.
 10 H-E-A-R-T-S-I-L-L.
 11 Q. Okay. Do you hold a teaching certificate
 12 or administrative certificate from any
 13 other state other than Alabama?
 14 A. No, ma'am.
 15 Q. Could you tell us a little about your
 16 employment history.
 17 A. Yes, ma'am. Started off out of college, I
 18 was a graduate assistant football coach at
 19 Auburn University. Moved on from there to
 20 be assistant coach at Jacksonville State.
 21 I was head coach at Ashville High School.
 22 Assistant coach at Greenville High School.
 23 Also a counselor at the elementary school

1 while I was there. I was head coach and
 2 teacher at Elba High School. I was
 3 assistant principal at Lanier High School,
 4 principal at Floyd Middle Magnet, and
 5 principal at Lanier -- I mean, at Lee.
 6 Excuse me.

7 Q. Okay. When you were head coach at
 8 Ashville, did you teach any courses?
 9 A. Yes, ma'am. I taught PE and -- well, I had
 10 a study hall, but that was it.
 11 Q. And what years was that?
 12 A. That was in '94, '95.
 13 Q. Okay. And what year was the assistant
 14 coach position at Jackson State?
 15 A. Jacksonville?
 16 Q. Jacksonville.
 17 A. From 1989 to 1994.
 18 Q. And when you were assistant coach at
 19 Greenville High?
 20 A. That was '95 to '97, I think.
 21 Q. Okay. And you said you were also a
 22 counselor at the elementary school?
 23 A. Yes, ma'am.

1 there, but I don't know.
 2 Q. Did you complete an application?

3 A. Yes, ma'am. Well, what I did -- I didn't
 4 complete an application. I completed a
 5 letter of interest. Because once you have
 6 a job here, all you have to do is to put a
 7 letter of interest if you're interested in
 8 a different job instead of filling out a
 9 whole packet again.

10 Q. Was this a lateral move from your former
 11 position at Floyd?

12 A. No, ma'am, it was a higher-paying
 13 position. It went from middle school to
 14 high school.

15 Q. Outside of the interview committee, was
 16 there anything else that you had to do
 17 prior to being recommended?

18 A. No, ma'am. I just had to put in a letter
 19 of interest, and I was contacted, interview
 20 process, and then notified. That's --

21 Q. Okay. Do you know if anyone else applied
 22 for this position?

23 A. Oh, yes, ma'am, several.

1 Q. Did you teach any courses at the high
 2 school?
 3 A. No. Not at the high school, no, ma'am.
 4 Q. And what years were you employed at Elba as
 5 head coach?
 6 A. '97 through '99.
 7 Q. And what class did you teach there?
 8 A. I taught psychology, sociology, PE,
 9 government, economics. I think that's it.
 10 Q. And what years were you assistant principal
 11 at Lanier?
 12 A. '99 through 2001. Then principal at Floyd
 13 from '01 to '04 and then principal at Lee
 14 from '04 to present.
 15 Q. What process did you go through to obtain
 16 your current position, principal at Lee?
 17 A. Went through an interview process with --
 18 if I'm not mistaken, there was -- at that
 19 time all the assistant superintendents were
 20 present at the interview. And I don't
 21 remember -- Mr. Barker was there --
 22 MS. CARTER: You can't ask him.
 23 A. I don't remember the superintendent being

1 Q. Several?

2 A. I don't know exactly who, but I saw several
 3 that were -- you know, before I got in
 4 there was some, and then, you know, after I
 5 left, there were some waiting.

6 Q. Okay. Are there any reading or math
 7 coaches at your school, at Lee High?

8 A. No, ma'am, not that -- not employed by Lee
 9 High School. We have a math coach that
 10 comes from central office, our math person
 11 that's I guess like a supervisor. But they
 12 come from central office, not employed by
 13 Lee.

14 Q. So you do not have -- did you have any
 15 participation in this math coach being
 16 assigned to Lee or being employed?

17 A. No, ma'am. She goes to every school, every
 18 high school. It's just -- you know --

19 Q. Okay. Floyd was an elementary school?

20 A. Middle school.

21 Q. Middle school.

22 Did they have any reading or math
 23 coaches at Floyd?

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1 A. No, ma'am. It was a magnet school. We
 2 pretty much just basically had teachers
 3 that were -- you know -- didn't have much
 4 use for a reading or math coach.

5 Q. Are you familiar with the hiring process
 6 that pertains to reading coaches?
 7 A. As far as I know, it's a position that's
 8 funded by Title I. I believe most of them
 9 are. I guess it would be the same as any
 10 other position. If it was a situation
 11 where you were wanting to hire at the
 12 school out of your Title I funds, I guess
 13 it would be, you know, that way, I guess.

14 Q. Okay.

15 MS. CARTER: Don't guess.

16 THE WITNESS: I'm sorry.

17 A. Well, I never have hired a reading coach or
 18 a math coach, so I don't know the...

19 Q. Fair enough.

20 In your experience as a principal,
 21 have you ever encountered a position where
 22 the person that you've recommended for a
 23 position was not hired by the school board?

1 or no.

2 A. Oh, yes. I'm sorry. Yes.

3 Q. And in 2005, was there a special education
 4 position available at Lee High School?

5 A. Yes, ma'am, at that --

6 Q. Did you seek -- I'm sorry. Go ahead.

7 A. At that point in time when I interviewed
 8 him, yes, ma'am, there was.

9 Q. Okay. Did you seek out candidates for that
 10 position?

11 A. Yes, ma'am, I did.

12 Q. Was the position advertised?

13 A. Yes, ma'am.

14 Q. Do you know how Melvin Lowe came to know
 15 about the position?

16 A. I assume he read the flier from the board,
 17 I guess.

18 Q. Did he express an interest --

19 A. Yes, ma'am.

20 Q. -- in obtaining this position?

21 A. Uh-huh (positive response).

22 Q. And how did this come about? How did you
 23 learn that Melvin Lowe was interested in

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1 A. No, ma'am.

2 Q. Do you keep documentation of the persons
 3 that you interview with regard to
 4 positions?

5 A. Yes, ma'am. I keep a calendar with what
 6 time or what days they came to interview,
 7 stuff of that nature.

8 Q. Do you keep any notes on the interviews?

9 A. I usually keep some until I hire the
 10 position. Then I go ahead and destroy
 11 them. I do keep the resumes that they
 12 send for future reference, you know.

13 Q. Do you keep any documentation of the
 14 recommendations that you make to human
 15 resources for positions?

16 A. No, ma'am. I just --

17 Q. Do you keep this calendar from year to year
 18 of who you had appointments with?

19 A. Yes, ma'am.

20 Q. Okay. Do you know Melvin Lowe?

21 A. Uh-huh (positive response).

22 Q. Now --

23 MS. CARTER: You have to say yes

1 this position?

2 A. If I'm not mistaken, he contacted my
 3 secretary.

4 Q. Do you know if he had spoken to anyone else
 5 prior to contacting your secretary about
 6 the job?

7 A. No, ma'am, I don't know.

8 Q. Do you know if he had spoken to anyone at
 9 central office about the job prior to
 10 contacting your secretary?

11 A. I have no idea.

12 Q. Did you interview Mr. Lowe for the
 13 position?

14 A. Yes, ma'am.

15 Q. What was your impression of Mr. Lowe based
 16 on your interview?

17 A. He had a very good interview. The
 18 questions I asked, he was very
 19 knowledgeable, you know. It was -- seemed
 20 to be a likable person.

21 Q. Did you have any concerns with regard to
 22 Mr. Lowe when you interviewed him or
 23 reservations, I guess?

		Page 17	Page 19
1	A. Not particularly, no, ma'am. We were in a	1	certified.
2	situation where at that point in time we	2	Q. Did you call Mr. Barker on the phone?
3	had been told that we were going to have --	3	A. Uh-huh (positive response). Contacted him
4	I want to say 20 openings -- not 20 --	4	by phone.
5	excuse me. We were going to have 20	5	Q. When he told you that he wasn't sure if
6	special ed teachers, which would have been	6	Melvin Lowe was certified, did you ask that
7	in excess of -- which would have left us	7	he verify Melvin Lowe's credentials?
8	with about -- at that time about ten job	8	A. He said that he would -- he told me he
9	openings. And so at that point, I had	9	would check with Ms. Jackson next door to
10	no -- I had no reservations. I mean, he	10	him -- I'm thinking that's her name, but
11	seemed to be okay.	11	right at this point, her name evades me. I
12	Now, one practice I do is, you know,	12	believe it's Ms. Jackson -- next door that
13	people can come in to interview, and they	13	does certification. He was going to check
14	can sound wonderful, but I do check	14	with her. And then I want to say in a
15	backgrounds on people.	15	couple of days, Ms. Jackson called me -- it
16	Q. Okay. And did you learn anything that	16	may have been that afternoon or the next
17	caused you any concern when you checked	17	day she called me -- to tell me at this
18	Mr. Lowe's background?	18	point, he was not certified.
19	A. Yes, ma'am. There was a question on his	19	Q. Okay. Are you familiar with emergency
20	certification in special education.	20	special ed certification?
21	Q. And what kind of certification was needed	21	A. I'm familiar with emergency certification,
22	for this job?	22	yes, ma'am, whatever subject it may be in.
23	A. Special ed certification.	23	Q. Have you ever hired a teacher who had an
		Page 18	Page 20
1	Q. And you said there was a question of it.	1	emergency certification?
2	Are you aware whether or not he had the	2	A. Yes, ma'am. Not in special ed, though.
3	special ed certification?	3	Q. Okay. What positions were they hired for?
4	A. At that point in time, he did not.	4	A. I want to say we had a science teacher.
5	Q. What did you do when you learned that he	5	Q. What was the procedure for obtaining that
6	did not have the certification?	6	emergency certification?
7	A. When I contacted -- he contacted me I want	7	A. I don't know, ma'am. I didn't do it. I
8	to say like the next day and sent some --	8	had -- they had to work that out with
9	he sent some records from where --	9	central office and had to work that out
10	copies -- not records, but actual copies of	10	with the Alabama Department of Education.
11	records where he had supposedly done some	11	I didn't -- I try not to get involved in
12	work. And I contacted him and told him	12	that because, you know, that spends a lot
13	until he got certified, you know, that --	13	of time that I don't need to do worrying
14	you know, once that happened, you know, we	14	about somebody else.
15	would see what we could do.	15	Q. Okay. Did you recommend Melvin Lowe for
16	Q. Okay.	16	the position, the special ed position?
17	A. And until -- I mean, until right now, I	17	A. No, ma'am.
18	don't even know if he is certified as I	18	Q. Who was hired for that position or who was
19	talk.	19	recommended for that position?
20	Q. Did you ever speak with Jimmy Barker about	20	A. Now, this is going to be detail, okay?
21	Mr. Lowe's certification?	21	Because like I say, when he came to
22	A. Yes, ma'am. I contacted Mr. Barker, and he	22	interview, we had 20 -- we were going to
23	told me that he was not sure that he was	23	have 20 teachers. I want to say I

1 interviewed Mr. Lowe at the beginning, say,
 2 the first ten days of July. I don't really
 3 remember. But in the transition between
 4 interviewing Mr. Lowe and the two weeks
 5 following, we were cut from 20 positions.
 6 It went down to 17, then it went down to
 7 13, then it went down to where we were
 8 going to have to give one back because of
 9 funding. So at that point, we didn't -- I
 10 didn't know if I was going to hire anybody
 11 or not hire anybody or what the deal was.
 12 Okay? So there was just a two-week or
 13 three-week lull in there until we found out
 14 exactly how many units of special ed we
 15 were going to have. So that's -- that's --
 16 at that point, during those two weeks, we
 17 didn't really, you know, have a situation
 18 to hire anybody.

19 Q. Okay. Did you ever ultimately hire
 20 somebody?

21 A. Yes, ma'am.

22 Q. And who was ultimately hired?

23 A. Now, I can tell you the ones I hired last

1 we got into the fifth day of school.
 2 Q. And all seven of these people were hired to
 3 service Lee High School?
 4 A. Yes, ma'am.
 5 Q. And did all seven of these people have
 6 special ed certification?
 7 A. Yes, ma'am.
 8 Q. Did all seven of these people have previous
 9 experience teaching special ed?
 10 A. Oh, wait. Can I add this? Ms. McCall.
 11 Okay. And we hired -- we had hired -- now,
 12 she was hired as soon as school got out.
 13 She was hired like in June.
 14 Q. Okay.
 15 A. Everybody except Ms. McCall had had
 16 experience as a special ed teacher.
 17 Ms. McCall was a special ed aide that had
 18 just obtained her certification. The rest
 19 of them have been special ed teachers.
 20 Q. Okay. Did you ever have any conversations
 21 with Mr. Barker regarding Melvin Lowe when
 22 you sought to hire him for this special ed
 23 position?

1 summer. I can't tell you in order of who
 2 hired when or whatever.

3 I can tell you that there is a
 4 Ms. Bailey that was hired after school
 5 started because once our numbers came in to
 6 special ed, they realized we had to have
 7 some more units.

8 There was Ms. McCauley, who was a
 9 transfer from Goodwyn or had been employed
 10 at Goodwyn. I won't say transferred. She
 11 may have been pink slipped, but she had
 12 been at Goodwyn the year before.

13 A transfer from Floyd Elementary
 14 School, Ms. Howard.

15 There was a teacher named Mr. Floyd we
 16 hired during the summer.

17 There was a transfer from Houston
 18 Hills, Ms. Parducci, P-A-R-D-U-C-C-I.

19 I'm thinking there's somebody I'm
 20 leaving out. I know there's somebody --
 21 there's somebody I'm not --

22 Q. Okay.

23 A. But anyway, there was probably seven once

1 MS. CARTER: Object to the form.
 2 Q. Aside from the initial conversation where
 3 you asked for him to check on Melvin's
 4 certification?
 5 A. No, ma'am.
 6 Q. Did Mr. Barker ever tell you that you had
 7 to hire a woman for the position?
 8 A. No, ma'am.
 9 Q. Has he ever told you that you had to hire a
 10 black person or a white person to fill a
 11 position?
 12 A. No, ma'am.
 13 Q. Did you ever have --
 14 MS. CARTER: Y'all both talk
 15 fast. I do, too. Make sure
 16 you let her finish the
 17 question, because she's trying
 18 to type everything down.
 19 A. No, ma'am.
 20 Q. Have you ever had any conversations with
 21 Dr. Purcell with regard to Melvin Lowe?
 22 A. No, ma'am.
 23 Q. Have you ever had any conversations with

		Page 25	Page 27
	Carolyn Hicks about Melvin Lowe?		
1	A. No, ma'am.	1	nontraditional, but not an emergency.
2	Q. And do you know of any reason why Melvin	2	Q. Okay.
3	Lowe wasn't hired for the position other	3	A. Okay.
4	than his lack of special ed certification?	4	Q. Do you know if the emergency certification
5		5	is something that's initiated by the
6	A. No, ma'am.	6	applicant or the school district?
7	(Brief recess.)	7	A. I don't -- I would say that it could be by
8	A. Can I add something to what I said while	8	either one, I think. I'm not sure.
9	ago?	9	Q. Okay. And I know you said you had hired
10	Q. Yes.	10	somebody once before, I think a science
11	A. I did talk to Ms. Hicks. I forgot about	11	teacher?
12	it. I talked to Ms. Hicks prior to talking	12	A. Yes, ma'am.
13	to Mr. Barker, because they were in	13	Q. Was that a simple process for the science
14	transition of moving from him hiring	14	teacher to obtain that emergency
15	secondary to her hiring secondary, and all	15	certification?
16	she told me was to check with Mr. Barker to	16	MS. CARTER: Object to the form.
17	make sure he was certified because she	17	Q. You can still answer.
18	didn't know.	18	A. Okay. I don't know. I just know that we
19	Q. Okay. Have you ever gotten an emergency	19	were short of science teachers, we didn't
20	certificate?	20	have any, and the young lady had a degree
21	A. Me?	21	in just basic chemistry, and I contacted
22	Q. Yes.	22	downtown and they worked with her. I don't
23	A. (Witness shakes head from side to side.)	23	know exactly what -- how the process went
		Page 26	Page 28
1	MS. CARTER: You have to say yes	1	through.
2	or no.	2	Q. How long did it take for her to receive the
3	A. No. No.	3	certification?
4	Q. Are you familiar with the process of how	4	A. I want to say it took around two to three
5	someone would obtain an emergency	5	weeks. I don't know for sure, though.
6	certificate?	6	Q. Were you able to employ her prior to her
7	A. I know that what I do is send them to	7	getting her certification?
8	central office or to the state board of	8	A. No.
9	education, they contact them, and there's	9	Q. Were you able to continue with the process
10	something to do with how many hours they	10	of securing her employment while she was
11	have and there's --	11	awaiting her emergency certification?
12	Wait. Let me rephrase that. When you	12	A. Not -- I know that we could not hire her
13	say -- now, when you say emergency, you're	13	until that was taken care of.
14	not talking about a --	14	Q. When you contacted the district office
15	I know I can't ask him.	15	about her emergency certification, were you
16	MS. CARTER: You're on your own.	16	told whether or not it would be a
17	A. For example, my physical education -- I had	17	successful process for her?
18	enough physical education hours in	18	A. Didn't know.
19	undergraduate school that I was able to get	19	Q. Did you continue interviewing other people
20	a master's degree. A nontraditional	20	for the position while waiting for her
21	master's degree is what I'm talking about.	21	certification?
22	That's not an emergency. That's just	22	A. No, because that's all we had.
23	nontraditional. I do have a	23	Q. Okay.

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1 A. She was -- I mean --
2 Q. Okay. Had Mr. Lowe been certified in
3 special education, would you have
4 recommended him for the position?
5 A. Yes.
6 Q. With regard to --
7 A. Can I add to that?
8 Q. Yes.
9 A. Having -- I would have recommended him
10 based on just our interview, but I would
11 have checked his background, his references
12 of where he had been, and I can't say that,
13 you know, after that I would have. I don't
14 know because I didn't talk to them.
15 Q. Did you check any of his references?
16 A. No, ma'am, because when I talked to Carolyn
17 Hicks, I knew he had a history in
18 Montgomery County. She said, I don't know
19 if he's certified. Once she did that, I
20 called Mr. Barker, and he said, I don't
21 think -- I don't know about his
22 certification. I didn't waste time calling
23 anybody until I found out about

1 I know he came several times and sat
2 outside my office and waited for me to
3 be -- to try to be through with my
4 interviews.
5 Q. Did you ever speak to him on any of these
6 occasions?
7 A. Actual call him in to talk to him, no,
8 ma'am.
9 Q. Did you ever have any passing conversations
10 with him when he was waiting outside your
11 office?
12 A. I think I spoke one time on the way between
13 interviewing other people, I think.
14 Q. Do you recall the context of that
15 conversation?
16 A. Hey, how are you. You know, I don't...
17 Q. Did you ever express to Mr. Lowe your
18 interest in hiring him for this position?
19 A. I told him, like I said, that day that as
20 soon as we got everything in order, we
21 would see what we could do. Other than
22 that, no, ma'am.
23 Q. Okay. With regard to the hiring process,

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1 certification.
2 Q. Okay. In that interview, did you speak --
3 did you speak to Mr. Lowe with regard to
4 what type of position he would want,
5 whether it be in sciences or English?
6 A. Yes, ma'am, I did ask what his strong suit
7 was, what his basic -- you know, what he
8 was good at at school, that stuff, you
9 know. Because we were searching for an
10 inclusion teacher for the four core areas,
11 because that's what we were looking for.
12 Q. Did he advise you that he was eligible for
13 an emergency certification?
14 A. I don't remember that, no, ma'am. I don't
15 know. I know he said that -- I know he
16 said that everything would be in order, but
17 I don't -- you know...
18 Q. Okay. Did you ever speak to Mr. Lowe after
19 this initial interview process or this
20 initial interview?
21 A. I want to say I talked to him once on the
22 phone, but I don't know. I know he called
23 several times and talked to my secretary.

1 when you're looking to hire a new teacher
2 at the school, does the process begin with
3 you interviewing potential applicants?
4 A. Well, I guess the process would begin with
5 the opening from downtown's announcement.
6 And then, yes, ma'am, it begins with me
7 interviewing the teachers.
8 Q. And once you've interviewed the teachers,
9 what do you tell Mr. Barker or HR with
10 regard to your interviews?
11 A. Usually I call and I'll say I have a
12 teacher that I'd like to see about us
13 getting hired. I've checked -- you know, I
14 usually let them know I've checked with
15 whoever, whatever, and then he'll know if
16 they have certification or not or if
17 there's a question or whatever. And then,
18 you know, we go from there. And I
19 recommend and then he tries -- he talks I
20 guess with one of his secretaries or one of
21 the ladies down there to put it in the
22 minutes for the board or send it to the
23 superintendent and then the superintendent

		Page 33	Page 35
1	recommends and then the board.	1	A. I think he did, but I canceled it.
2	Q. Okay. So do you typically give Mr. Barker	2	Q. And why was the interview canceled?
3	one name of someone that you want for the	3	A. Because during the time of the opening for
4	job?	4	the special ed, not trying to be rude
5	A. For one job? Yes, ma'am. I don't usually	5	towards Melvin, but he badgered the crap
6	give -- well, let me -- no, no. There have	6	out of me and my secretary. And it was
7	been times in the past when I was -- I	7	obvious to me he could not follow
8	narrowed it down to three, you know, or	8	directions, what I had told him to do, so I
9	two. I'll take, you know, either one of	9	did not want him as an administrator at my
10	these that you -- you know. They're all	10	school.
11	about the same, I've narrowed it down to	11	Q. Did you ever advise Mr. Lowe as to why the
12	three, so, you know, just pick which one	12	interview was canceled?
13	you -- or which one -- if there's another	13	A. I didn't, no, ma'am.
14	principal that likes one better, I don't	14	Q. How many applicants did you consider for
15	care. Just give me one of these three. I	15	that position?
16	have done that in the past.	16	A. Considered? There was about 12 that called
17	Q. Do you always give numerous candidates'	17	that I talked with maybe on the phone or
18	names?	18	read their resumes, but there was only -- I
19	A. I would say probably in the situation where	19	think there was five or six I interviewed,
20	there are numerous candidates, I usually do	20	came in.
21	give more than one. But usually -- like,	21	Q. And who did you ultimately recommend for
22	for example, the science teacher I was	22	this position?
23	talking about earlier, there may be only	23	A. John Johnston.
		Page 34	Page 36
1	one candidate that fits what we need.	1	Q. And when you decided on Mr. Johnston, was
2	Q. So there have been situations where you've	2	that after you had interviewed him?
3	given just one name to Mr. Barker?	3	A. Yes, ma'am, and also I had past work
4	A. Yes, ma'am.	4	history. Most of the people I interviewed,
5	Q. And was that person placed in the position	5	I had some knowledge of their past work,
6	that you recommended them for?	6	so -- but it was after I interviewed him,
7	A. Yes, ma'am.	7	yes, ma'am.
8	Q. Has there ever been a time when you've	8	Q. Had you had any conversations with anybody
9	recommended somebody for a position and	9	at central office during the process before
10	they were not placed in that position?	10	making your decision on Mr. Johnston?
11	A. No, ma'am.	11	A. No, ma'am.
12	Q. Was there an assistant principal position	12	Q. When you decided that you wanted --
13	available at Lee -- no --	13	A. Wait. Let me rephrase that. All the
14	A. Lee High.	14	candidates that were for assistant
15	Q. Lee High in 2005, the same summer?	15	principal had to go through a process
16	A. Yes, ma'am.	16	downtown to be okayed through them, so I
17	Q. Was that position posted?	17	did have -- you know, I had a list of
18	A. Yes, ma'am.	18	people that had been through their process.
19	Q. And did Melvin Lowe respond?	19	Q. Okay.
20	A. Yes, ma'am. He contacted my secretary and	20	A. And so I guess technically, I didn't have a
21	said he wanted to be considered for the	21	conversation, but I had a list of people
22	position.	22	that were -- had been through their
23	Q. Did he ever set up an interview with you?	23	process.

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1 Q. So you had never spoken to anyone at
 2 central office about any candidate in
 3 particular?
 4 A. No, ma'am.
 5 Q. Okay. After you decided on Mr. Johnston,
 6 what was the next step as far as hiring
 7 him?
 8 A. I recommended -- I gave him the --
 9 actually, I gave him -- during that time, I
 10 gave him a ranking of two that I would
 11 take, and I told him that I -- you know, I
 12 really preferred Mr. Johnston. So that's
 13 what -- I guess it went through the chain
 14 then.
 15 Q. And when you say you gave him, are you
 16 referring to Mr. Barker?
 17 A. Yes. I'm sorry.
 18 Q. Okay. Who was the other person that you
 19 recommended aside from Mr. Johnston for
 20 this position?
 21 A. I believe it was Ron Ashley.
 22 Q. Okay. And was Mr. Johnston hired for the
 23 administrative assistant --

1 day, Ms. Jackson called me back to tell me
 2 that he was not certified.
 3 Q. Okay.
 4 A. That there was some questions about some
 5 course work he had done, but that
 6 technically, he was not certified. So --
 7 Q. Did either Mr. Barker or Ms. Jackson or
 8 Ms. Hicks say anything to you about the
 9 possibility of an emergency certification?
 10 A. No, ma'am. I didn't pursue that because at
 11 that point in time, I had -- the only time
 12 I've ever even asked that question was like
 13 with the science teacher. I didn't have
 14 anybody else. And I had -- I think the day
 15 he came in, I had like four or five, six
 16 other interviews, had six or seven the next
 17 day, so I didn't pursue it. I didn't bring
 18 it up to them and they didn't bring it up
 19 to me.
 20 Q. Okay. Do you have any documents or any
 21 calendar entries or anything to show when
 22 you had these conversations with Mr. Barker
 23 or Ms. Hicks or Ms. Jackson?

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1 A. Yes, ma'am.
 2 Q. -- I mean, assistant principal position?
 3 A. Yes, ma'am.
 4 Q. Is he still in that position?
 5 A. Yes, ma'am.
 6 Q. Had Mr. Barker or Carolyn Hicks ever said
 7 anything to you at all about Melvin Lowe?
 8 A. Other than the conversation about the
 9 question of certification.
 10 Q. And tell me again what you remember about
 11 that conversation.
 12 A. Okay. The first one, Carolyn Hicks. I
 13 called and she -- I mentioned -- I said,
 14 I've got a special ed job. I said, I want
 15 to look at hiring Melvin Lowe or see what I
 16 need to do, check, whatever. And she said,
 17 I don't believe he's certified. You need
 18 to check with Mr. Barker. So I hung up.
 19 I contacted Mr. Barker. He said, I
 20 don't -- he said the same thing, I don't
 21 believe he's certified, but I will check
 22 with Ms. Jackson, Cynthia. So then I want
 23 to say either that afternoon or the next

1 A. No, ma'am, not as I know of.
 2 Q. Do you recall the dates of when that was?
 3 A. I could probably look on my calendar and
 4 see what date I interviewed Mr. Lowe. I
 5 want to say that I contacted them the day
 6 after, once my interviews were over. I
 7 mean, I could find a date, but I don't -- I
 8 don't particularly -- I can't pinpoint and
 9 say, you know.
 10 Q. Okay. Now, you stated that after the
 11 interview for the special ed position that
 12 Mr. Lowe badgered you and your secretary.
 13 A. Yes, ma'am.
 14 Q. Tell us a little bit more about what he
 15 did.
 16 A. Like I said earlier, he came and sat --
 17 Have you ever been to Lee High School?
 18 Like the main office you have, and then I
 19 have an office that you can see the main
 20 office out of it. And he would sit
 21 there -- I know one day he sat there for a
 22 long time while I was -- I want to say I
 23 was interviewing. I was doing some sort of

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1	work. I don't know. But I had my door	1	her -- she had set up the interview, and
2	closed and he sat there. One day he	2	then I told her to unset up the interview,
3	brought some sort of beauty products to my	3	so she called him back to tell him.
4	secretary. He called several times. And I	4	Q. Okay. And was Mr. Lowe ever advised on any
5	kept telling her to tell him until -- when	5	of these visits to your office or these
6	I got certification or when, you know,	6	phone calls the reason that no one was
7	something came available, I would let --	7	meeting with him or talking to him?
8	you know, I would contact him. And he	8	A. No, ma'am. At that time, you know, for the
9	kept -- he just kept calling and kept	9	position that he had initially interviewed
10	coming by and I just -- you know, it just	10	for, it was when I told you we were -- you
11	got old.	11	know, we weren't sure how many units we
12	Q. And what's your secretary's name?	12	were going to have. They backed everything
13	A. Ms. West. Tonda West.	13	up. So at that point, I had no job to
14	Q. How do you spell that?	14	offer him.
15	A. T-O-N-D-A, W-E-S-T.	15	Q. Okay. When Mr. Lowe was waiting outside in
16	Q. And when you said he sat out there for a	16	your lobby, did anyone tell him that he
17	long time when you were working on some	17	needed to leave?
18	stuff, how long was he out there?	18	A. I don't recall anybody telling him he
19	A. I don't -- it seemed like a long time,	19	needed to leave.
20	but -- I know I was interviewing people,	20	Q. Did anybody ever tell him he needed to not
21	and usually an interview takes anywhere	21	drop by the office again?
22	from -- depending on what I'm interviewing	22	MS. CARTER: Object to the form.
23	for, anywhere from 20 to 45 minutes. And I	23	A. She -- I don't recall that --

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1	want to say one day he sat through two or	1	MS. CARTER: You can answer.
2	three, and another day he sat maybe an hour	2	A. I don't recall that, no, ma'am. I know she
3	or -- you know, I don't know.	3	had told him that I was busy and it would
4	Q. Okay. How many times did this happen?	4	be a while. If he -- you know, if he
5	A. I want to say he came by twice and called	5	waited, it would be a while before I would
6	several times. I don't know how many.	6	be able to see him.
7	Q. Okay. And at any point when Mr. Lowe had	7	Q. Okay. You said that -- the science teacher
8	come by your office, did anybody -- do	8	that got the emergency certification, were
9	you -- I'm sorry. At any point that he	9	there no other applicants that you liked or
10	came by your office, did you ever speak to	10	no other applicants that applied for the
11	him aside from that one time you told me	11	position?
12	where you just passed him?	12	A. At that point in time, there were no other
13	A. I don't think so, no, ma'am. Because if	13	applicants that were certified in just
14	I'm not mistaken, the day that I had the	14	chemistry. This was for a chemistry
15	door closed I don't think I ever opened it,	15	teacher. At that point in time, we didn't
16	because I was in the middle of working on	16	have any. This was my first year at Lee,
17	something or doing something. But I	17	and I had been hired like -- if I'm not
18	remember him sitting out there.	18	mistaken, July 1st, and we start school
19	Q. Okay. And did anybody -- did anybody ever	19	August 1st, so we were kind of at the end
20	return his phone calls, the messages that	20	of the hiring process.
21	he left?	21	Q. Were there any applicants who had any kind
22	A. My secretary had returned and talked to	22	of science certification that applied for
23	him. I had her call him. And then I had	23	the job?

1 A. I don't remember. I don't remember. I
 2 just know that I went out and kind of found
 3 this person, you know, right before school
 4 started.

5 Q. And who was this person that had the
 6 emergency certification?

7 A. Courtney Whigham.

8 Q. And is Courtney a male or female?

9 A. Female.

10 Q. And is she black or white?

11 A. White.

12 Q. Okay. I think that's it.

13 EXAMINATION

14 BY MS. CARTER:

15 Q. When was that?

16 A. That was in 2004.

17 Q. 2004?

18 A. Yes, ma'am, summer.

19 Q. You said that you don't know whether
 20 somebody told Mr. Lowe that he should
 21 leave. Did you make it clear to Mr. Lowe
 22 that you didn't know if you were going to
 23 be able to hire him in that position, that

1 been the end of May.

2 Q. So that was before you had an interview
 3 with Mr. Lowe?

4 A. Yes, ma'am.

5 Q. And had she worked in your school before?

6 A. Yes, ma'am. She was a special ed aide at
 7 my school.

8 Q. Is that why you wanted to hire her?

9 A. Yes, ma'am.

10 Q. Who was -- do you know from this list who
 11 was -- because I'm forgetting right now --
 12 who was the other new hire or someone that
 13 was not transferred?

14 A. Mr. Floyd was a new hire from Chilton
 15 County.

16 Q. Oh, I thought he came from Houston Hills.
 17 I might have written that down wrong.

18 A. No. Mr. Floyd came from Chilton County,
 19 and he was hired early in -- or mid-June
 20 before I interviewed Mr. Lowe.

21 Ms. Bailey, the first one out, she was
 22 a new hire, but she was hired I want to say
 23 three or four days after school started.

1 you would contact him if you could?

2 A. Yes, ma'am.

3 Q. Did your secretary tell him on more than
 4 one occasion that you would get in contact
 5 with him if you had a position for him?

6 A. Yes, ma'am.

7 Q. You went over a group of several names of
 8 special ed folks that came to you this
 9 summer -- well, the summer of 2005.

10 A. Yes, ma'am.

11 Q. And just for clarification, a good number
 12 of these were transfer of special ed
 13 teachers from other schools, correct?

14 A. Yes, ma'am.

15 Q. And I think you said that one of your -- a
 16 new hire would have been a lady by the name
 17 of Ms. McCall?

18 A. Right.

19 Q. Do you know her first name?

20 A. Valerie.

21 Q. And she was hired in June, correct?

22 A. Yes, ma'am. She was hired as soon as
 23 school was out. I say June. It may have

1 Q. So just to kind of put this in perspective,
 2 at the time that you interviewed

3 Mr. Lowe -- I know you described this a
 4 little bit. But at the time you
 5 interviewed Mr. Lowe in mid July when there
 6 was this flux about how many special ed
 7 positions you were going to have, there was
 8 no hiring during that period, correct,
 9 during that two or three-week period of
 10 time for special ed?

11 A. Not as far as I know, no, ma'am.

12 Q. And these other folks got transferred to
 13 you, and then Ms. Bailey was hired after
 14 school started?

15 A. That's right.

16 Q. Okay. And she was certified in special
 17 education?

18 A. That's correct.

19 Q. Did you have to work with or make any
 20 efforts to get any of these people we've
 21 talked about that were brought to your
 22 school in the summer of 2005 in special ed,
 23 did you have to do anything with them to

		Page 49	Page 51
1	get emergency certification?	1	A. No, ma'am.
2	A. Unh-unh (negative response).	2	Q. Were there any steps taken to stop the
3	Q. Yes or no.	3	hiring process pertaining to this teacher
4	A. No.	4	while awaiting her certification?
5	Q. And all of them had prior special education	5	A. Explain that, please.
6	teaching experience except for Ms. McCall?	6	Q. Did you notify central office that this
7	A. Yes. As far as I know, yes, ma'am. And	7	individual did not have the proper
8	Ms. McCall actually had some -- she was an	8	certification?
9	aide that worked with special education	9	A. Yes. Yes, I did.
10	classes.	10	Q. And what happened in the interim while you
11	Q. Did Mr. Barker ever tell you that you	11	were awaiting the emergency certification?
12	couldn't hire Melvin Lowe?	12	A. Just waiting for her to get certification.
13	A. No.	13	There was nothing -- you know, nothing
14	Q. Did he ever talk to you about a lawsuit or	14	to -- kept looking for a science teacher,
15	anything Melvin Lowe had done against the	15	but we didn't find any.
16	school system?	16	Q. And with regard to Ms. McCall, you stated
17	A. No.	17	that she had been a special ed aide in your
18	Q. Do you know Melvin Lowe's mother?	18	school --
19	A. Yes.	19	A. Yes, ma'am.
20	Q. Do you know anything about any lawsuit	20	Q. -- prior to her becoming a special ed
21	she's ever filed against the school system?	21	teacher?
22	A. No.	22	A. Yes, ma'am.
23	Q. When you interviewed Melvin Lowe, did you	23	Q. And is it a good practice as principal to

		Page 50	Page 52
1	know if he had filed an EEOC charge or a	1	hire people that you've worked with and
2	lawsuit against the school system?	2	that you're familiar with for positions?
3	A. No.	3	A. Yes, ma'am. I think if you have people
4	Q. More specifically, because I don't know if	4	that have good qualities and you know are
5	we got it on the record, did anybody ever	5	dependable, I think it's important to hire
6	tell you that you couldn't hire Melvin as	6	those people.
7	an assistant principal?	7	Q. And in your experience, would you tend to
8	A. No, ma'am.	8	hire someone that you were familiar with
9	Q. Did you converse with anybody about your	9	and had worked with over someone that you
10	decision to cancel that interview other	10	had just interviewed in the interview
11	than your secretary?	11	process?
12	A. No, ma'am.	12	A. As long as I had good -- a good feeling for
13	Q. What is the race and sex of John Johnston?	13	them prior to, you know, I knew their
14	A. White male.	14	background and their -- you know, their
15	Q. Okay. That's it.	15	working relationship with other people and
16	MS. DUGAS: I have a couple	16	that you could depend on them and they
17	questions.	17	would be where they're supposed to be, you
18	EXAMINATION	18	know, do what they're supposed to do, yes,
19	BY MS. DUGAS:	19	ma'am.
20	Q. The science teacher that you hired, was her	20	MS. CARTER: Just one
21	name withdrawn after you realized -- after	21	clarification.
22	you found out she did not have	22	EXAMINATION
23	certification?	23	BY MS. CARTER:

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1 Q. This science teacher that we've been
 2 talking about in the summer of 2004 for I
 3 guess the 2004-2005 school year, you said
 4 you kept looking for a science teacher in
 5 the meantime; is that correct?
 6 A. Let me rephrase that. A chemistry teacher.
 7 Q. A chemistry teacher?
 8 A. Because science is different from
 9 chemistry. You know what I'm saying.
 10 Q. And just for clarification. If you had
 11 interviewed a teacher that was certified in
 12 chemistry, would you have hired that person
 13 as long as they were qualified to teach
 14 chemistry?
 15 A. Once again, in hiring, probably so,
 16 depending on if everything else checks out,
 17 you know; she's not a person that's not
 18 ever at work, if she's not a person that
 19 you can depend on.
 20 Q. Well, I guess for clarification --
 21 A. All things being equal, if you have the
 22 science teacher I hired and this other lady
 23 that's certified, yes, I would have hired

1 out 60 of them, yeah. I'm not going to --
 2 I don't feel like that's -- you know, I
 3 think that would -- that would help me or
 4 that would make me continue my process I
 5 was doing. If not, you know, then, you
 6 know, I probably would have hired the
 7 certified teacher.
 8 Q. If this hypothetical certified chemistry
 9 teacher, you just didn't have as good a
 10 feel for her -- nothing bad in her
 11 personnel file, no red flags, but you just
 12 had a much better feel for the person that
 13 you did ultimately hire -- would you have
 14 continued the emergency certification
 15 process for her?
 16 A. Okay. I would have waited to see if she
 17 could have got emergency certification,
 18 yes, ma'am. I didn't do a process. I sent
 19 her and let her go handle all that.
 20 Q. Okay. Okay. How exactly did you find this
 21 person who got the emergency certification
 22 in chemistry?
 23 A. Another administrator had contacted me.

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1 the lady that was certified rather than
 2 going through the emergency deal.
 3 Q. Okay. Thanks.
 4 MS. DUGAS: Okay. I have just a
 5 clarification question on
 6 that.
 7 EXAMINATION
 8 BY MS. DUGAS:
 9 Q. So if a chemistry certified teacher had
 10 come in with the requisite certification
 11 and experience during the process that you
 12 were awaiting emergency certification for
 13 this current teacher, if for some reason
 14 you didn't feel as comfortable with the
 15 certified teacher, you would have continued
 16 the process for the emergency certification
 17 for the teacher that you had hired?
 18 MS. CARTER: Object to the form.
 19 Go ahead.
 20 A. Okay. Now, when you say feel as
 21 comfortable, if I had called a previous
 22 employer and a previous employer had said,
 23 you know, there's 180 school days and she's

1 There was a transition because when I was
 2 hired at Lee, there was -- I want to say
 3 the principal retired, the three assistant
 4 principals moved to different schools, and
 5 one of the assistant principals told me
 6 about this young lady that -- to contact
 7 because she had been interested in seeing
 8 about getting a teaching certificate.
 9 Q. Had this lady worked in the school that
 10 this --
 11 A. The administrator?
 12 Q. Who was the administrator?
 13 A. Now you're going to ask me a question I
 14 can't answer because I don't know her name.
 15 THE WITNESS: Can I just ask him
 16 what her name is?
 17 MS. CARTER: No. Just say you
 18 don't know.
 19 Q. I'm trying to make it not so --
 20 A. She was at Lee. She was at Lee. And I'm
 21 so embarrassed, because I'm good friends
 22 with her. Liz Norman.
 23 Q. Liz Norman.

		Page 57	Page 59
1	A. Liz Norman was at Lee. And she said, you	1	The state had a shortage of teachers.
2	know, this person is a friend of mine.	2	Let me just give you the history. The
3	She's a chemist in a lab, but she's	3	state had a shortage of teachers in math
4	interested in seeing about getting a	4	and science. And so what they did, they
5	teaching certificate. You may want to call	5	went ahead and opened it up for math and
6	her if you can't find anybody else.	6	science and then they opened it up for
7	Q. Had this person ever done any teaching	7	everybody to where if you have enough
8	before?	8	undergraduate hours in a subject --
9	A. No.	9	science, chemistry, whatever it is -- that
10	Q. Had this person ever applied for a teaching	10	instead of having to go back and go all
11	certificate prior to this emergency	11	through your undergraduate degree, they
12	certification?	12	would give you an opportunity to get what's
13	A. No.	13	called a nontraditional master's degree.
14	Q. Did you interview anyone else for this	14	Okay? So that you could go and take -- and
15	position?	15	skip some of your education courses that
16	A. I don't remember.	16	you would have had to have taken as an
17	Q. Was this science teacher position posted	17	undergraduate, you would take them as a
18	through the Montgomery County School Board?	18	graduate student. Then when you came out,
19	A. Yeah, I'm sure it was. Yes, ma'am.	19	you would have a master's degree and be
20	Q. And you said that while you were waiting on	20	able to teach under a master's degree
21	her certification --	21	certification.
22	A. Can I clarify something?	22	Okay. An emergency certificate is
23	Q. Yes, ma'am.	23	different because with an emergency
		Page 58	Page 60
1	A. As I'm sitting here, as we're talking about	1	certificate, the person is not enrolled in
2	it -- because she has just finished --	2	graduate school. The person is just, you
3	there's a difference between a true	3	know, here. We don't have anybody to stick
4	emergency certificate -- She had enough	4	in here, but we have somebody that has
5	undergraduate hours, just like I did, that	5	enough hours in, say, science that we can
6	she received a nontraditional master's in	6	put them in, but they're not enrolled in
7	chemistry. So while -- the time that	7	graduate school. She was enrolled in
8	you're in school, you have three years to	8	graduate school as a nontraditional
9	finish the nontraditional master's. So she	9	master's candidate.
10	was not technically under an emergency	10	Q. Okay. And you said her name was Courtney?
11	certificate. It's more of a -- the state	11	A. Whigham.
12	of Alabama gives you a grace period that	12	Q. Okay. And just so that I'm clear, when you
13	you have three years to finish your	13	interviewed Ms. Whigham for the position,
14	master's work, and that's what she was on.	14	was she currently enrolled in school?
15	So technically, it was not an emergency	15	A. No. She was currently employed as a
16	certificate. I guess I should, you know,	16	chemist in a lab.
17	clarify that.	17	Q. Okay. I have an undergraduate degree in
18	Q. Okay. I'm confused with the nontraditional	18	English.
19	master's. I'm going to get you to clarify	19	A. Okay.
20	that.	20	Q. If I --
21	A. For example, like the one I have in PE. I	21	A. You want a job?
22	had enough undergraduate hours in PE that I	22	Q. This is for clarification. If I wanted to
23	could --	23	get the nontraditional master's that you

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1 were speaking of to teach in English, would
 2 it require additional schooling on my part?
 3 A. Yes -- no. Excuse me. You have -- if you
 4 wanted to enroll, what would happen, you
 5 would have to go down to the state
 6 department. You carry them your
 7 transcript. They would look at your
 8 transcript to see if you had enough hours,
 9 and then they would enroll you in this
 10 nontraditional master's program. Okay?
 11 You would have to come back to the school
 12 system and -- with proof that you're
 13 registered in school in a master's program,
 14 and then the state will issue you a
 15 three-year waiver certificate -- or one per
 16 year. I don't know if it's a waiver for
 17 three years, but there's three years that
 18 you've got to complete your master's
 19 degree.
 20 Q. So I would have to go back and complete
 21 more course work?
 22 A. Yes.
 23 Q. Did Ms. Whigham go back to school to

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1 Q. Do you know when she completed this course
 2 work?
 3 A. I think at the end of last quarter, I
 4 believe, now. I'm just speaking off the
 5 top of my head. I'm not sure. But I think
 6 that's what she -- I heard her say the
 7 other day.
 8 Q. Do you know if she's ever obtained an
 9 Alabama teaching certificate?
 10 A. She obtained one when she finished her
 11 course work or -- and the certificate is
 12 valid for those three years when you're in
 13 the nontraditional program. So she has a
 14 certificate. It's pending, the last one.
 15 Q. Okay. Do you have any records about who
 16 applied for this chemistry teacher position
 17 or who you interviewed for this position?
 18 A. I don't know. I can go look. I mean, it
 19 may be on the calendar. If I have it, I
 20 have just the -- of who I interviewed on
 21 the calendar, but, you know...
 22 Q. Okay. And what action did you take to
 23 continue looking for a science teacher

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1 complete more course work?
 2 A. Yes.
 3 Q. When did she enroll in school or re-enroll,
 4 I guess?
 5 A. I guess that's like that fall of when she
 6 started teaching, because she has completed
 7 it now.
 8 Q. So she taught for three years?
 9 A. No, one.
 10 Q. One year?
 11 A. Just one year. This is her second year.
 12 Q. Okay. So she went -- re-enrolled in school
 13 with only her bachelor's degree in science?
 14 A. In chemistry.
 15 Q. In chemistry?
 16 A. Right.
 17 Q. And proceeded to teach at Lee High while in
 18 the process of obtaining further education?
 19 A. That's correct.
 20 Q. Does she have the nontraditional master's
 21 as of this date?
 22 A. I believe she does, yes, ma'am. I believe
 23 her course work is through.

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1 during this process once you first
 2 interviewed Ms. Whigham?
 3 A. I want to say that I, you know, kept
 4 interviewing, kept looking for a chemistry
 5 teacher. Not just a science teacher.
 6 Q. Right. I'm sorry.
 7 A. And I don't believe we found any. And I
 8 know I kept interviewing, because we
 9 hired -- I want to say we hired -- if I'm
 10 not mistaken, we hired a couple of science
 11 teachers, but none of them were based in
 12 true chemistry.
 13 Q. Do you have any records of who you
 14 interviewed for that position?
 15 A. I don't know. It's on the calendar, but
 16 I'll have to go look and tell you.
 17 Q. Okay. That's it. Thank you.

19
 20 * * * * *
 21 FURTHER DEONENT SAITH NOT
 22 * * * * *
 23

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1 REPORTER'S CERTIFICATE

2 STATE OF ALABAMA:

3 MONTGOMERY COUNTY:

4 I, Patricia G. Starkie, Registered

5 Diplomate Reporter, CRR, and Commissioner for the
6 State of Alabama at Large, do hereby certify that I
7 reported the deposition of:

8 DAVID SIKES

9 who was first duly sworn by me to speak the truth,
10 the whole truth and nothing but the truth, in the
11 matter of:

12 MELVIN LOWE,

13 Plaintiff,

14 Vs.

15 MONTGOMERY COUNTY BOARD
16 OF EDUCATION, et al.,
17 Defendants.18 In The U.S. District Court
19 For the Middle District of Alabama
20 Northern Division
21 Case Number 2:05-CV-0495

22 on January 24, 2006.

23 The foregoing 64 computer printed pages

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1 contain a true and correct transcript of the
2 examination of said witness by counsel for the
3 parties set out herein. The reading and signing of
4 same is hereby waived.5 I further certify that I am neither of kin
6 nor of counsel to the parties to said cause nor in
7 any manner interested in the results thereof.

8 This 31st day of January 2006.

11
12 Patricia G. Starkie, Registered
13 Diplomate Reporter, CRR, and
14 Commissioner for the State
15 of Alabama at Large16
17
18
19
20
21
22
23

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